

## **FISCAL NOTE**

### **HB 2940 - SB 3094**

February 16, 2008

**SUMMARY OF BILL:** Broadens the offense of first degree felony murder to include a killing committed while escaping from a penal institution or lawful custody while being held for a felony. Violation is punishable by death, life imprisonment, or life without parole.

### **ESTIMATED FISCAL IMPACT:**

#### **Increase State Expenditures - \$458,600/Incarceration\***

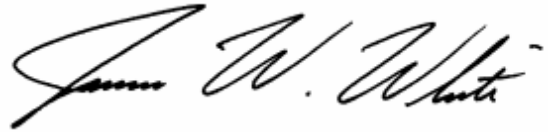
##### Assumptions:

- The Department of Correction (DOC) estimates two offenders per year would be sentenced to first degree murder rather than second degree murder and would serve an additional 33 years (an increase from 17.0 years to 50.0 years) as a result of this bill.
- According to DOC, the average operating cost per inmate per day for calendar year 2008 is \$62.78. The cost per inmate at 17 years is \$389,816.72 (\$62.78 x 6,209.25 days). The maximum cost per inmate in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is \$619,120.67. The additional cost from increasing the average sentence from 17.0 years to 50.0 years is \$229,303.95 (\$619,120.67 - \$389,816.72). The total additional operating cost for two offenders in the tenth year is \$458,607.90 (\$229,303.95 x 2).
- No significant incarceration cost increase will occur due to population growth in this period.
- No additional death penalty cases as a result of this bill.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director

/lsc